



INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

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RESOLUTION TO FREE THE HOLY LAND FIVE

Whereas, as of 24 November 2022, three Palestinian-Americans, Ghassan Elashi, Shukri Abu Baker, and Mufid Abdulqader, have been jailed in the United States for 14 years for their charitable activities in support of the Palestinian people, in a case known as the "Holy Land Five" case, and

Whereas, Abdulrahman Odeh and Mohammed El-Mezain, their co-defendants, were also jailed until their releases in 2020 and 2022, respectively; Mr. El-Mezain was then deported after being held in immigration detention following his 2022 release, as a non-U.S. citizen, and

Whereas, Mr. Elashi, Mr. Abu Baker, Mr. Abdulqader, Mr. Odeh and Mr. El-Mezain were active leaders in the Holy Land Foundation, the largest Muslim charity in the United States at the turn of the millennium before it was targeted under "War on Terror" policies, shut down and declared a "Specially Designated Global Terrorist" under the Bush administration, simultaneous with a number of domestically repressive U.S. policies, the invasion of Afghanistan and the lead-up to the invasion of Iraq, and

Whereas, the Holy Land Foundation raised millions of dollars for people living in poverty in occupied Palestine, particularly orphans, widows and other vulnerable people. In many cases, the organizations to which they donated, such as the Zakat Committees, Muslim charitable committees, were also supported by agencies such as USAID. Leaders of the Foundation were placed under FBI surveillance since 1993 at the request of Israeli officials and members of Congress expressing their support for the Israeli occupation, apartheid and colonialism in occupied Palestine, and

Whereas, the Holy Land Foundation was raided and shut down by federal authorities in December 2001 amid the post-September 11 climate of repression and racism in the United States. The Treasury Department froze the HLF's funds, preventing it from carrying out its work, and

Whereas, three years later in 2004, Mr. Elashi, Mr. Abu Baker, Mr. Abdulqader, Mr. Odeh and Mr. El-Mezain were arrested and charged with "material support" for terrorism, under the argument that their charitable work had "freed up" funds for Palestinian resistance organizations, specifically Hamas, to use in other activities. They became known as the "Holy Land Five," and

Whereas, their trial did not begin until 2007. Despite the admission of anonymous testimony from Israeli intelligence agents in court, denying the Five the right to confront their accuser and mount a proper defense under both U.S. and international law, their first trial ended in a mistrial, with 11 of 12 jurors voting for them to be acquitted of all 197 charges and the 12th juror only changing his mind toward conviction at the last moment under questionable circumstances, and

Whereas, the Holy Land Five were put on trial again in 2008 and once again were subjected to sensationalist, unproven and unrelated testimony from Israeli occupation intelligence agents, who were allowed to remain anonymous and could not be properly cross-examined by their defense lawyers. This is only one of two occasions in which this is known to have happened in U.S. courts, and both involved Palestinian defendants and Israeli intelligence officers, and

Whereas, the Holy Land Five were convicted and sentenced to extraordinarily long sentences. Mr. Elashi and Mr. Abu Baker were both sentenced to 65 years, Mr. Abdulqader to 20 years, and Mr. Odeh and Mr. El-Mezain to 15 years. In addition, two of Mr. Elashi's brothers were tried and convicted separately of related charges; they were jailed until 2009 and then deported to Gaza, in occupied Palestine, and

Whereas, while Mr. Abdulqader is scheduled for release in 2025, Mr. Elashi and Mr. Abu Baker are sentenced to over 40 more years in prison. They have spent many years behind bars, including a number of years in extremely repressive maximum security "Communications Management Units." All of their legal appeals have so far been exhausted, and

Whereas, Within Our Lifetime - United for Palestine, the Coalition for Civil Freedoms, Samidoun Palestinian Prisoner Solidarity Network and over 30 other organizations relaunched the campaign for the release of Mr. Elashi, Mr. Abu Baker and Mr. Abdulqader on 24 November 2022, with the support of the families of the Holy Land Five.

Therefore, Be it Resolved, that the International Association of Democratic Lawyers calls for the immediate release of Ghassan Elashi, Shukri Abu Baker and Mufid Abdulqader, through the commutation of their sentences, a presidential pardon or the withdrawal of the charges against them, and

Be it Further Resolved, that the IADL condemns the arrest and conviction of the Holy Land Five and the use of "terror" designations and "War on Terror" policies against Palestinian, Arab and Muslim communities and organizations in the United States and internationally by the U.S. government, and views the use of Israeli intelligence evidence and anonymous testimony as an outrageous violation of the civil and human rights of the Holy Land Five, and

Be it Finally Resolved, that the International Association of Democratic Lawyers will endorse the campaign to free the Holy Land Five and, to that end, support events, activities, and educational programs in the U.S. and internationally to publicize the cases of Ghassan Elashi, Shukri Abu Baker and Mufid Abdulqader and other political prisoners in U.S. jails, including but not limited to Mumia Abu-Jamal and Leonard Peltier.

Adopted:

December 4, 2022

Council of the International Association of Democratic Lawyers